



INTERIOR BOARD OF INDIAN APPEALS

Donald S. Jacobs v. Eastern Area Director, Bureau of Indian Affairs

20 IBIA 142 (07/16/1991)

Denying reconsideration of:
20 IBIA 68



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DONALD S. JACOBS,
Appellant

v.

EASTERN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Reconsideration
:
:
:
: Docket No. IBIA 91-1-A
:
:
: July 16, 1991

The Board dismissed this appeal on June 10, 1991, holding that appellant lacked standing to challenge the approval of a bingo management agreement between the St. Regis Mohawk Tribe and Basil Cook Enterprises. 20 IBIA 68. On July 9, 1991, the Board received from appellant a document entitled "Appellant's Reply Brief," which, despite its title, is a petition for reconsideration.

Appellant expresses disagreement with the Board's decision, attaches documents which he states were intended to have been submitted with his reply brief, and contends that the Board failed to address his purported request for oral argument as well as some of his legal arguments.

The Board addressed appellant's arguments to the extent necessary to its decision. Cf. 20 IBIA at 76 n.10. Any arguments not explicitly addressed should be considered either rejected or unnecessary to the decision. Any requests not explicitly addressed should be considered denied.

43 CFR 4.315(a) provides that "[r]econsideration of a decision by the Board will be granted only in extraordinary circumstances." The Board has reviewed appellant's petition and attached documents and finds that appellant has not shown the requisite extraordinary circumstances.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellant's petition for reconsideration is denied. This decision is final for the Department of the Interior.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge